

REMARKS

Claims 1 - 25 are pending in this application, in which claims 7 - 13 and 18 - 25 have been withdrawn and claims 1, 3, 15 and 17 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention.

Claims 1 - 4 and 14 - 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Forman (U.S. 4,381,715). The applicant respectfully requests reconsideration of this rejection.

Forman discloses a shelf mounting system which comprises a fastener member having treaded end 8 (equivalent to a fixing part) and shaft 9 (equivalent to a projecting body), and a spring member having lips 12 (equivalent to a fall preventing part). In addition, D1 represents a shelf 1 having a hollow interior camber for accommodating the elongated fastener member (see FIGS. 1, 2 and 7 of Forman).

However, the fastener member of Forman is attached with the spring member 12 at a location where the fixing part 8 and the projecting body 9 meet each other, and thus the applicant's claimed structural arrangement is clearly distinguishable over the Forman apparatus.

Accordingly, not all of the claimed elements are found in exactly the same situation and united in the same way to perform the identical function in Forman's apparatus. Thus, there can be no anticipation of the applicant's claimed invention based on the teachings of Forman.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(b) as being anticipated by Forman is in order, and is therefore respectfully solicited.

Claims 1, 2, 5 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by JP Publication No. 2001-161588 to Koto. The applicant respectfully requests reconsideration of this rejection.

Koto discloses a wall fixable shelf which comprises a fixing part 2a, projecting bodies 7 and 8, fall preventing parts 4, and a shelf body having a cavity 3 (see, Koto's FIGS. 1, 6 and 7).

However, the wall fixable shelf of Koto disposes the fall preventing part 4 at a side of the projecting body 7 or 8 so as to secure the projecting body and the shelf body. In fact, the fall preventing part 4 disclosed in Koto is a screw. Therefore, the teachings of the applicant's claimed invention disclosed is distinguishable over such teachings in Koto.

Accordingly, not all of the claimed elements are found in exactly the same situation and united in the same way to perform the identical function in Koto's apparatus. Thus, there can be no anticipation of the applicant's claimed invention based on the teachings of Koto.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(b) as being anticipated by Koto is in order, and is therefore respectfully solicited.

Claim 6 stands rejected under 35 U.S.C. §103(a) based on Koto. The applicant respectfully requests reconsideration of this rejection.

The applicant's above comments on Koto are similarly applicable here. It is submitted that for such reasons set forth above, with respect to independent claim 1 from which claim 6 depends, the applicant's claimed invention, as recited in claim 6, would not have been obvious to a person of ordinary skill in the art based on the Koto reference.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. §103(a) based on Koto is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, it is believed that the claims, as now amended, are in condition for allowance, which action, at an early date, is requested.

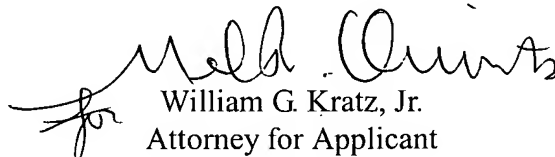
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

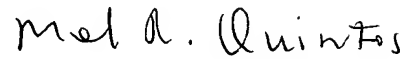
U.S. Patent Application Serial No. 10/651,223
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Reply to OA dated November 17, 2004

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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